OIPE IAP17
JAN 18 2007
PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re: Jason C. Pearson, Max A. Weaver, and Michael J. Cyr	:	Art Unit: 1714
	:	Examiner: K. A. Sanders
Date filed: September 10, 2003	:	
	:	Docket No.: 71593
Serial No.: 10/659,225	:	Date Mailed: January 12, 2007
Confirmation No.: 5733		

Title: Method For Reducing The Acetaldehyde Level in Polyesters

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: BOARD OF PATENT APPEALS AND INTERFERENCES

CERTIFICATE OF MAILING 37 CFR 1.8(a)

I hereby certify that this correspondence and any items identified as being included herewith is/are, on the date shown below, being deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 12, 2007
Date

Mark L. Davis

AMENDED APPEAL BRIEF
37 C.F.R. §41.37 (d)

This amended appeal brief is in reply to the Notice of Non-Compliant Appeal Brief mailed December 14, 2006, and having a one month or 30 day period for reply. Specifically, the examiner noted that the appeal brief did not identify each independent claim subject to the appeal and did not map each independent claim subject to the appeal to the specification by page and line number. Applicants, pursuant to MPEP 1205.03, are providing only a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).

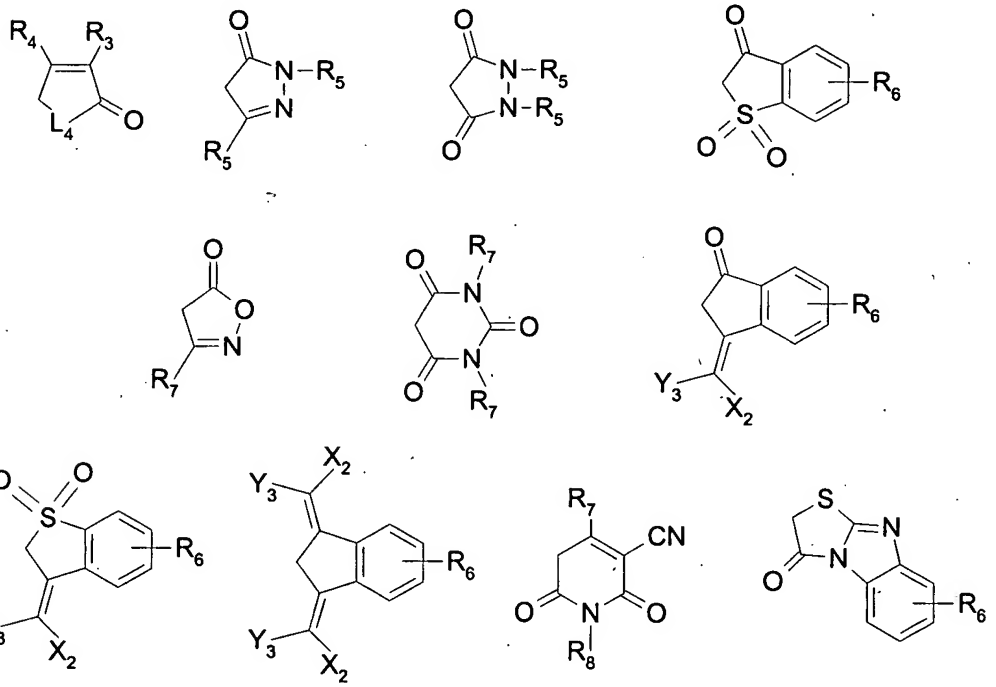
Included with this paper is an associate power of attorney and change of correspondence address.

V. SUMMARY OF INVENTION

Independent claim 53

In one embodiment, subject to an election of specie, the invention is directed to a polyester composition having at least one additive that is capable of reacting with acetaldehyde to form a new carbon-carbon bond, (page 5, lines 6-10).

The additive is selected from the group consisting of cyclic active methylene compounds represented by the following formulae:



(page 6, lines 11-15), wherein:

R_3 is selected from C_1-C_6-alkoxycarbonyl, cyano, heteroaryl, (page 6, line 16);

R_4 is selected from aryl and heteroaryl, (page 6, line 17);

R_5 is selected from hydrogen, C_1-C_6-alkyl, substituted C_1-C_6-alkyl, C_3-C_8-cycloalkyl and aryl, (page 7, lines 1-2);

R_6 is selected from hydrogen, C_1-C_6-alkyl, C_1-C_6-alkoxy, halogen, cyano, C_1-C_6-alkoxycarbonyl, trifluoromethyl, hydroxy, C_1-C_6-alkanoyloxy, aroyl, C_1-C_6-alkylthio, C_1-C_6-alkylsulfonyl, carbamoyl, sulfamoyl, -$NHCOR_9$, -$NHSO_2R_9$, -$CONHR_9$, -$CON(R_9)_2$, -SO_2NHR_9 and -$SO_2N(R_9)_2$; wherein R_9 is selected from C_1-C_6-alkyl, substituted C_1-C_6-alkyl, C_3-C_8-cycloalkyl and aryl, (page 7, lines 5-10);

R_7 is selected from hydrogen, C_1-C_6-alkyl, and aryl, (page 7, line 12);

X_2 and Y_3 are independently selected from cyano, C_1-C_6-alkylsulfonyl, arylsulfonyl and C_1-C_6-alkoxycarbonyl, (page 6, lines 6-7);

R_8 is selected from hydrogen, C_1-C_6-alkyl, substituted C_1-C_6-alkyl, C_3-C_8-cycloalkyl, C_3-C_8-alkenyl, C_3-C_8-alkynyl and aryl, (page 7, lines 14-15); and

L_4 is selected from -O-, -S- and -$N(R_{10})$-, wherein R_{10} is selected from hydrogen, C_1-C_6-alkyl, C_3-C_8-cycloalkyl and aryl, (page 7, lines 17-18).

Additionally, the terms "C_1-C_{22}-alkyl" and "C_1-C_6-alkyl", denote saturated hydrocarbon radicals or moieties that contains one to twenty-two carbons and one to six carbons, respectively, and which may be straight or branched-chain. Such C_1-C_{22} alkyl and C_1-C_6-alkyl, groups can be selected from methyl, ethyl, propyl, butyl, pentyl, hexyl, heptyl, octyl, isopropyl, isobutyl, tertbutyl, neopentyl, 2-ethylheptyl, 2-ethylhexyl, and the like, (page 10, lines 11-16).

The terms "substituted C_1-C_{22}-alkyl" and " substituted C_1-C_6-alkyl" refer to C_1-C_{22}-alkyl radicals and C_1-C_6-alkyl radicals as described above that may be substituted with one or more substituents selected from hydroxy, halogen, cyano, aryl, heteroaryl, C_3-C_8-cycloalkyl, substituted C_3-C_8-cycloalkyl, C_1-C_6-alkoxy, C_1-C_6-alkanoyloxy, C_1-C_6-alkoxycarbonyl, C_1-C_6-alkylthio, C_1-C_6-alkylsulfonyl and the like, (page 10, lines 17-22).

The term "C_3-C_8-cycloalkyl" is used to denote a cycloaliphatic hydrocarbon radical containing three to eight carbon atoms, (page 10, lines23-24).

The term "substituted C_3-C_8-cycloalkyl" is used to describe a C_3-C_8-cycloalkyl radical as detailed above containing at least one group selected from C_1-C_6-alkyl, C_1-C_6-alkoxy, hydroxy, halogen, and the like, (page 10, lines 25-27).

The term "aryl" is used to denote an aromatic ring system containing 6,10 or 14 carbon atoms in the conjugated aromatic ring structure and these ring systems substituted with one or more groups selected from C_1-C_6-alkyl; C_1-C_6-alkoxycarbonyl; C_1-C_6-alkoxy; phenyl, and

phenyl substituted with C_1-C_6-alkyl, C_1-C_6-alkoxy, halogen and the like; C_3-C_8-cycloalkyl; halogen; hydroxy; cyano; trifluoromethyl and the like. Typical aryl groups include phenyl, naphthyl, phenylnaphthyl, anthryl (anthracenyl) and the like, (page 10, line 28 - page 11, line 5).

The term "heteroaryl" is used to describe conjugated cyclic radicals containing at least one heteroatom selected from sulfur, oxygen, nitrogen or a combination of these in combination with from two to about ten carbon atoms and these heteroaryl radicals substituted with the groups mentioned above as possible substituents on the aryl ring. Typical heteroaryl ring systems include: furyl, thienyl, pyrrolyl, imidazolyl, pyrazolyl, thiazolyl, isothiazolyl, oxazolyl, isoxazolyl, triazolyl, thiadiazolyl, oxadiazolyl, tetrazolyl, thiatriazolyl, oxatriazolyl, pyridyl, pyrimidyl, pyrazinyl, pyridazinyl, thiazinyl, oxazinyl, triazinyl, thiadiazinyl, oxadiazinyl, dithiazinyl, dioxazinyl, oxathiazinyl, tetrazinyl, thiatriazinyl, oxatriazinyl, dithiadiazinyl, imidazolinyl, dihydropyrimidyl, tetrahydropyrimidyl, tetrazolo-[1,5-b]pyridazinyl and purinyl, benzoxazolyl, benzothiazolyl, benzimidazolyl, indolyl, and the like, (page 11, lines 6-17).

The term "halogen" is used to represent fluorine, chlorine, bromine, and iodine, (page 11, lines 18-19).

The term "C_2-C_{22}-alkylene" is used to denote a divalent hydrocarbon group that contains from two to twenty-two carbons and which may be straight or branched chain and which may be substituted with one or more substituents selected from hydroxy, halogen, C_1-C_6-alkoxy, C_1-C_6-alkanoyloxy and aryl, (page 11, lines 20-24).

The term "C_3-C_8-cycloalkylene" is used to denote divalent cycloaliphatic groups containing three to eight carbon atoms and these are optionally substituted with one or more C_1-C_6-alkyl groups, (page 11, lines 25-27).

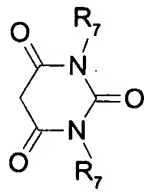
The term "arylene" is used to denote 1,2-, 1,3-, and 1,4-phenylene or naphthalene-diyl groups and such groups optionally substituted with C_1-C_6- alkyl, C_1-C_6-alkoxy and halogen, (page 11, lines 28-30).

The terms " C_1-C_6-alkoxy", " C_1-C_6-alkylthio", " C_1-C_6-alkylsulfonyl", " C_1-C_6-alkanoyloxy", " C_1-C_6-alkoxycarbonyl" are used to denote the following radicals, respectively: $-OR_{11}$, $-S-R_{11}$, $-O_2S-R_{11}$, $-OCO-R_{11}$ and $-CO_2R_{11}$, wherein R_{11} represents C_1-C_6-alkyl and substituted C_1-C_6-alkyl, (page 12, lines 1-4).

The term "aroyl" is used to represent -OC-aryl, wherein aryl is as previously defined, (page 12, lines 5-6).

The terms"C_3-C_8-alkenyl" and "C_3-C_8-alkynyl" are used to denote branched or straight chain hydrocarbon radicals containing at least one double bond and one triple bond, respectively, (page 12, lines 7-9).

In independent claim 53, the examiner's requirement for election of specie of cyclic compounds having an active methylene moiety, the invention includes a polyester having an additive that is capable of forming a new carbon to carbon bond wherein the additive has the formula:



wherein R_7 is as defined above.

Respectfully submitted,

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Patent Assignment Details

NOTE:Results display only for issued patents and published applications. F pending or abandoned applications please consult USPTO staff.

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Title: Method for reducing the acetaldehyde level in polyesters

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Search Results as of: 01/04/2007 1

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that a Statement under 37 CFR 3.73(b) for showing the chain of title for the above-identified patent application is on the date shown above, being deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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